



One Hundred First Legislature - Second Session - 2010
Introducer's Statement of Intent
LB 1010

Chairperson: Chris Langemeier
Committee: Natural Resources
Date of Hearing: February 11, 2010

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1010 would create a process to be used if a natural resources district plans to use its power of eminent domain to take private land for a recreational trail or corridor. The process is designed to protect the rights of individual landowners, who private property is subject to taking by eminent domain.

The process would require:

Public notification of the district's plan to develop a trail, including the possible need to use eminent domain to take private property.

An opportunity for public input in response to the initial trail development notification.

The district to conduct a proceeding, in the form of a public hearing, to give and receive evidence that specific criteria have been met to demonstrate the need to use eminent domain to take private property to develop the trail.

General public notification and specific individual notification to all affected landowners that such a proceeding is planned.

An opportunity for public input in response to the notice that eminent domain may be needed to take private land to develop the trail.

Voting by the district's board to use eminent domain to take private property to develop the trail to be at a level greater than a simple majority.

Some liability protection for affected landowners.

A formal agreement between the district and an affected landowner that states both parties' rights and obligations regarding the use of the trail.

The right of an affected landowner to appeal the district's decision to use eminent domain to the district court in the county where the land is located.

The decision of the district court to be final, before a petition to condemn private property can be filed.

Principal Introducer:

Senator Dave Pankonin